



City of Albuquerque

Legislative File Number R-06-39 (version 1)

CITY of ALBUQUERQUE SEVENTEENTH COUNCIL

Approving A Process For A Hearing On The Objection To Resolution R-05-303 Regarding The American Inn By The Owner; Authorizing The Director Of Council Services To Select A Hearing Officer.

CITY of ALBUQUERQUE SEVENTEENTH COUNCIL

WHEREAS, On January 18, 2006 the City Council passed Resolution R-05-303 concerning the American Inn, the building, structure or premises located at 4501 Central Ave NE, more particularly described as: The west 25 feet of lot 1 thru 13 & all of lots 18 thru 36 Blk 44 valley view addition cont 1.6139 AC, Albuquerque, New Mexico; and

WHEREAS, that Resolution adopted the findings of City staff in regard to said building, structure or premises: "finding that said building, structure or premises is found to be ruined, damaged and dilapidated, as to be a menace to the public comfort, health, peace or safety pursuant to Section 3-18-5, NMSA, 1978" ; and

WHEREAS, that Resolution further provided, pursuant to the authority of the state statute: "That Tourist Promotion Services C/O Amit Patel, record owner of said building, structure or premises shall commence removal of same within ten (10) days after service of a copy of this Resolution or within said ten (10) day period, file written objection to findings herein with the City Clerk/Recorder of the City of Albuquerque, asking for a hearing before the City Council."; and

WHEREAS, the owner has timely filed written objection to the City Council resolution and has requested a hearing before the City Council; and

WHEREAS, the City Council finds that it is appropriate to refer this matter to a Hearing Officer to take testimony and report back to the City Council with a record of the

testimony presented.

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. The Director of Council Services shall select a Hearing Officer who shall be appointed to conduct a hearing into the objection raised by the Owner of the American Inn to Resolution R-05-303.

SECTION 2. The hearing shall be conducted at a time and place announced by the Hearing Officer. The Hearing Officer shall utilize procedures that insure that the due process rights of the Owner are fully protected. The hearing shall be recorded.

SECTION 3. The Hearing Officer shall submit to the City Council a recommended decision together with findings of fact and conclusions of law.

SECTION 4. The recommended decision, findings and conclusions shall be advisory only and the final decision as to whether to enforce or rescind Resolution R-05-303 shall be the City Council's. The Council shall allow the parties to appear before it to explain their support or opposition to the recommended decision, findings and conclusions of the Hearing Officer before taking final action on the Owner's objection to Resolution R-05-303.

Section 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this resolution. The Council hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid

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